

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

Edward Butowsky,

Plaintiff,

v.

David Folkenflik, et al.,

Defendants

Case No. 4:18-cv-442-ALM

MOTION FOR EXTENSION OF DEADLINES

NOW COMES Edward Butowsky, the Plaintiff moving the Court to extend various deadlines for the reasons set forth below:

Background

On or about May 25, 2020, the undersigned counsel began tapering off of an antidepressant that he had taken for approximately fifteen years because he needed to be off of the medication in order to try a different treatment. *See* July 2, 2020 Letter from Jianne Lo to Judge Caroline M. Craven (attached as Exhibit 1).¹ Around June 15, 2020, he began experiencing severe withdrawal symptoms, both physical and emotional. The severity of the withdrawal symptoms was unexpected, and the undersigned was effectively incapacitated for much of that period and unable to work. The undersigned has good days and bad days, but overall he expects his symptoms to fully subside in the

¹ As witnessed by his electronic signature on this document, Ty Clevenger declares under penalty of perjury under the laws of the United States that his factual statements in this motion are true and correct.

next week or two. Under normal circumstances, the undersigned would have asked his co-counsel, Steve Biss, to handle outstanding matters, but Mr. Biss has been terminated from this case. The undersigned can elaborate on that if the Court wishes.

Argument

The Court may, of course, modify its own orders, *see, e.g., HTC Corp. v. Telefonaktiebolaget LM Ericsson*, 6:18-CV-00243-JRG, 2019 WL 1425285, at *2 (E.D. Tex. Jan. 16, 2019), and it may modify a scheduling order for good cause. *Wapp Tech Ltd. P'ship v. Micro Focus Int'l, PLC*, 406 F. Supp. 3d 585, 593 (E.D. Tex. 2019). As a result of his medical circumstances, the undersigned has made little progress toward complying with the Court's June 5, 2020 Order which the Defendants' motion to compel. That is no fault of the Plaintiff's. Meanwhile, the Plaintiff has authorized the undersigned to retain a firm to provide both technical assistance on discovery as well as document review, and the undersigned expects to have that agreement in place by next week to avoid any further delays in this case.

After conferring with Defendants' Counsel via telephone and email, the Plaintiff respectfully moves the Court to extend his discovery compliance deadlines in the June 5, 2020 Order from July 5, 2020 until August 4, 2020. The Plaintiff further moves the Court to extend all other outstanding deadlines, and the remaining deadlines in the scheduling order, by 45 days. The Plaintiff submits that good cause has been shown, because neither the Plaintiff nor the undersigned had any reason to suspect that the undersigned would experience such severe withdrawal symptoms. The Defendants do not oppose this request so long as all unexpired deadlines in the Court's Third Amended Scheduling Order,

including the pretrial conference and trial date, are extended by 45 days to accommodate Plaintiff's request and avoid scheduling conflicts that would otherwise arise by a 30-day extension.

Conclusion

The Plaintiff has demonstrated good cause for modifying the Court's orders, and the deadlines should be extended as requested above.

Respectfully submitted,

/s/ Ty Clevenger

Ty Clevenger

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Attorney for Plaintiff Edward Butowsky

CERTIFICATE OF CONFERENCE

I certify that I conferred with counsel for the Defendants via telephone and email from June 29, 2020 through July 3, 2020, and they do not oppose this request.

/s/ Ty Clevenger

Ty Clevenger

CERTIFICATE OF SERVICE

I certify that a copy of this document was sent via email on July 3, 2020 to the attorneys representing the Defendants:

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/s/ Ty Clevenger

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